

Appl. No. : 10/614,709
Filed : July 7, 2003

REMARKS

In the April 15, 2005 Office Action, the Examiner rejects Claim 1-14 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,590,803 to Saito, et al ("Saito"); and rejects Claims 1-5 under the judicially-created obviousness-type doctrine of double patenting over Claims 1-5 of U.S. Patent No. 6,424,564 [Attorney Docket: MICRON.198DV2]. Applicants request reconsideration of the rejections in view of the following comments.

Saito is Not Prior Art

The Examiner rejects Claims 1-14 over Saito. Saito was filed on March 22, 2002. By contrast, the present application is a divisional application of and claims priority to a prior application, which is a continuation application of and claims priority to a prior application, which is a divisional application of the original parent application. See paragraph [0001] and the filing receipt.

If the application is a continuation or divisional of one or more earlier U.S. applications or international applications and if the requirements of 35 U.S.C. 120 and 365(c), respectively, have been satisfied, the effective filing date is the same as the earliest filing date in the line of continuation or divisional applications.

See M.P.E.P. §706.02 (V)(A).

Accordingly, the effective filing date of the present application is July 18, 2000, which is prior to Saito's filing date. Thus, Saito is not prior art to the present application, and Applicants request the Examiner to withdraw the rejections over Saito and to allow Claims 1-14.

Double Patenting Rejection

The Examiner rejects Claims 1-5 under the judicially-created obviousness-type doctrine of double patenting over Claims 1-5 of U.S. Patent No. 6,424,564 [Attorney Docket: MICRON.198DV2].

Applicants submit herewith a Terminal Disclaimer to overcome the obviousness-type double patenting rejection. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of Claims 1-5.

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If there is any further impediment to the prompt allowance of the present application, Applicants request the Examiner to call the undersigned attorney of record at 310-407-3466 or at the telephone number listed below to resolve any such impediment.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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